

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LAURA W.¹,

Plaintiff,

v.

Case No. 3:19-cv-00099-SU

ANDREW M. SAUL,
Commissioner of Social Security,

OPINION AND ORDER

Defendant.

MOSMAN, J.,

On January 31, 2020, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F&R”) [ECF 16], recommending that the Commissioner’s decision be reversed and remanded for further proceedings. Neither party objected. For reasons discussed below, I adopt Judge Sullivan’s F&R and REVERSE and REMAND this case for further proceedings.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.

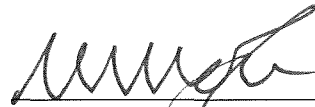
make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Sullivan's recommendation and I ADOPT the F&R [16]. I REVERSE the Commissioner's decision and REMAND this case for further proceedings consistent with this opinion.

IT IS SO ORDERED.

DATED this 20 day of February, 2020.



MICHAEL W. MOSMAN
United States District Judge